STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of GODDESS ALAYHIA CUNLIFFE, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHAEL JAMAR COOLEY,

Respondent-Appellant,

and

SARAH MARIE CUNLIFFE and CLARENCE VASSER,

Respondents.

UNPUBLISHED
April 29, 2010

No. 294507
Kent Circuit Court
Family Division
LC No. 08-053948-NA

Before: SERVITTO, P.J., and FITZGERALD and BECKERING, JJ.

PER CURIAM.

Respondent appeals by right from the trial court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(*ii*), (c)(*i*), and (g). We affirm.

On appeal, respondent argues that the trial court violated his due process rights by failing to notify him of the proceedings affecting his parental rights. We disagree. Although a putative father is generally afforded an opportunity to assert his parental rights in a child protection proceeding, the putative father's rights differ from those of a legally recognized parent. *In re Gillespie*, 197 Mich App 440, 446; 496 NW2d 309 (1992); MCR 3.921. See also *In re CAW*, 469 Mich 192; 665 NW2d 475 (2003). In this case, as required by MCR 3.921, the trial court made a diligent inquiry regarding the child's father. Likewise, in accordance with MCL 712A.13, the caseworkers made reasonable efforts to identify and locate respondent, but were given misleading and incomplete information by the child's mother who was mistaken about the identity of the child's natural father. *See In re Adair*, 191 Mich App 710, 714; 478 NW2d 667 (1991). In February 2009, after the mother contacted the caseworker indicating that she now believed respondent was the child's natural father, the caseworker sent a letter to respondent to see whether he was interested in establishing paternity.

Even if, as respondent argues, petitioner became aware of his existence in November 2008, and did not make reasonable efforts to locate him until February 2009, the failure to notify respondent of the proceedings earlier was not error requiring reversal. The trial court's record does not clearly indicate what the foster care worker knew about respondent or when she first received respondent's name. The trial court was in the process of trying to determine the identity of the child's natural father, and the trial court has discretion to notify putative fathers and/or determine that a putative father is in fact a natural father pursuant to MCR 3.921. Moreover, respondent's parental rights were not in jeopardy at the earlier hearings, before the time he established paternity. Any error in failing to provide respondent notice earlier in the proceedings was harmless and did not affect his substantial rights. MCR 2.613(A).

MCR 3.920(B)(2)(b) requires that a summons be served on a respondent in a child protective proceeding. However, as a putative father, respondent was not entitled to notice of child protective proceedings until he established paternity on July 21, 2009, at the onset of the permanent custody hearing.[1] *In re AMB*, 248 Mich App 144,174; 640 NW2d 262 (2001). The trial court's file shows that respondent was personally served with a summons and petition on June 4, 2009, for the July 21, 2009 termination hearing. The trial court, therefore, complied with the court rules by providing respondent notice of the impending termination hearing date more than 14 days before trial as required by MCR 3.920(B)(5)(a)(*i*). Thus, respondent was provided with timely notice of the petition and afforded an opportunity to defend the petition's allegations, and there was no due process violation. *In re Nunn*, 168 Mich App 203, 208-209; 423 NW2d 619 (1988).

Respondent also states, in passing, that he does not concede a statutory basis to terminate his parental rights due to his absence from the child's life. He has not, however, offered any argument concerning any of the statutory bases for termination, nor has he addressed the child's best interests. A party may not leave it to this Court to search for authority in support of its position by giving an issue cursory treatment with no citation of supporting authority. *Peterson Novelties, Inc v Berkley*, 259 Mich App 1, 14; 672 NW2d 351 (2003). To the extent, then, that respondent could be construed as having challenged the trial court's finding that a statutory basis for termination has been established by clear and convincing evidence, we deem the issue abandoned.

Affirmed.

/s/ Deborah A. Servitto
/s/ E. Thomas Fitzgerald
/s/ Jane M. Beckering

[1] Respondent was a "putative father" as discussed in MCR 3.903(A)(24) and MCR 3.921. He was not a "father" under MCR 3.903(A)(7). He also was not a "party," "parent," or "respondent," as those terms are defined in MCR 3.903(A)(19), MCR 3.903(A)(18), and MCR 3.977(B).